

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:12-CR-00268-DGK-13
	)	
STEPHEN MICHAEL FINE,	)	
	)	
Defendant.	)	

**ORDER DENYING MOTION TO AMEND, CORRECT, OR RECONSIDER**

On September 3, 2019, the Court denied Defendant Stephen Michael Fine’s motion to reduce his sentence under a portion of the First Step Act, which amended 18 U.S.C. § 3582(c)(1)(A) to allow prisoners to file a motion for compassionate release if they can demonstrate they have exhausted their remedies with the Bureau of Prisons (“BOP”). Now before the Court is Defendant’s pro se motion to amend or reconsider the Court’s prior order (Doc. 778), under Fed. R. Civ. P. 59(e). The motion is DENIED.

“Rule 59(e) motions serve a limited function of correcting manifest errors of law or fact or to present newly discovered evidence.” *Holder v. United States*, 721 F.3d 979, 986 (8th Cir. 2013) (internal quotation marks omitted). They may not “be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.” *Id.*

Here, Defendant relitigates issues the Court already addressed in its order. He fails to demonstrate any manifest error of law or fact that the Court must correct and does not present any newly discovered evidence, as required by Rule 59(e).

Although Defendant cites two new cases supporting his motion to reduce his sentence, these new cases do not affect the court's prior order. In the first case, the district court denied a compassionate release request, finding that the defendant had failed to demonstrate extraordinary and compelling reasons for compassionate release. *United States v. Gutierrez*, No. CR 05-0217 RB, 2019 WL 2422601 (D.N.M. June 10, 2019). The second case does not address compassionate release requests, and therefore is inapplicable. *United States v. Williams*, 2019 WL 2865226 (S.D.N.Y. July 3, 2019).

Thus, Defendant's motion to amend or reconsider the judgment (Doc. 778) is DENIED.

**IT IS SO ORDERED.**

Date: November 19, 2019

/s/ Greg Kays  
GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT